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Report Says Immigration Agents Broke Laws and Agency Rules in Home Raids

By [NINA BERNSTEIN](#)

Armed federal [immigration](#) agents have illegally pushed and shoved their way into homes in New York and New Jersey in hundreds of predawn raids that violated their own agency rules as well as the Constitution, according to a [study](#) to be released on Wednesday by the Benjamin N. Cardozo School of Law.

The study by the school's Immigration Justice Law Clinic, backed by several law enforcement experts including Nassau County's police commissioner, found a widespread pattern of misconduct by agents from [Immigration and Customs Enforcement](#) after analyzing 700 arrest reports obtained from the agency through Freedom of Information lawsuits.

The raids were supposed to focus on dangerous criminals, but overwhelmingly netted Latinos with civil immigration violations who happened to be present, the study said. Raiders mistakenly held legal residents and citizens by force in their own homes while agents rummaged through drawers seeking incriminating documents, the report said.

Acting without judicial search warrants, the agents were required to obtain informed consent from a resident before they entered a private residence. But the study found that in 86 percent of the Nassau and Suffolk County arrest reports that it analyzed, and a quarter of the New Jersey cases, no consent was recorded.

"If any local law enforcement agency in the nation were involved in these types of widespread constitutional violations it would prompt a federal investigation," said Lawrence W. Mulvey, the Nassau police commissioner, who led a panel that guided the Cardozo report. "Federal immigration agents simply need to play by the same rules as every other law enforcement officer."

Immigration and Customs Enforcement responded with a brief e-mail statement defending the conduct of its agents and the home raids — the same kind of response it has made to similar criticism since the Bush administration vastly expanded their use in 2006.

In 2007, Mr. Mulvey sharply criticized raids that brought scores of agents from around the country to Long Island, some brandishing shotguns, and roused many citizens and legal residents from their beds in what

Nassau officials called a [poorly planned antigang operation](#).

The report said a similar “cowboy mentality” emerged in many other raids. In Paterson, N.J., last year, legal residents from Guatemala and their 9-year-old son, a United States citizen, were threatened with guns by immigration agents who had entered their home while the boy’s mother was in the shower.

In a Staten Island case, an immigration judge recently ruled that the conduct of agents acting without a warrant was an “egregious violation” of fundamental fairness; they had entered a man’s bedroom armed with pistols, “forced him into the hall and required him to stand in his underwear before his brother, sister-in-law and their children.”

In an e-mail message obtained under a Freedom of Information request, a federal immigration agent in Connecticut invited a state trooper to join a scheduled set of raids in New Haven, writing: “We have 18 addresses — so it should be a fun time! Let me know if you guys can play!”

The report also found a strong suggestion of racial profiling in the difference between the ethnicity of the named targets — 66 percent Latino — and of the “collateral” arrests — 87 percent Latino in New Jersey and 94 percent on Long Island.

Such concerns have surfaced repeatedly around the country in [news articles](#) and [lawsuits](#) since 2006, when the Bush administration raised the arrest quota of each raiding team eightfold, to 1,000 a year.

Six months into the Obama administration, with the same spokesmen in place from the Bush years, Immigration and Customs Enforcement responded to the Cardozo report with a general defense of its agents.

“The men and women of I.C.E. are sworn to uphold the laws of our nation,” the agency said in an e-mailed statement. “We do so professionally, humanely and with an acute awareness with the impact enforcement has on the individuals we encounter. While I.C.E. prioritizes our efforts by targeting fugitives who have demonstrated a threat to national security or public safety, we have a clear mandate to pursue all immigration fugitives.”

The Cardozo report said that Janet Napolitano, secretary of the Department of Homeland Security, had changed some policies that contributed to the abuses it found, like eliminating the arrest quota. But the report recommended more drastic steps.

Home raids should be “a tactic of last resort, reserved for high-priority targets,” and then only after agents have obtained judicial warrants, the report urged. A high-level supervisor should be on site, and home raids should be videotaped, it recommended.

Agents should have to note why they initially seized and questioned any person, the study said. “That’s the bread and butter of any arrest report,” said Peter L. Markowitz, who teaches at Cardozo and is one of the

report's authors. Such a note was missing from two-thirds of the arrest reports analyzed in the study.

This article has been revised to reflect the following correction:

Correction: July 24, 2009

An article on Wednesday about a study that found that federal immigration agents had conducted illegal raids on homes in New York and New Jersey referred incorrectly in some editions to a 2006 increase in the arrest quota for Immigration and Customs Enforcement. The quota was raised in January of that year to 1,000 a year for each raiding team — not for each agent.

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